



State of California - The Resources Agency
DEPARTMENT OF FISH AND GAME

<http://www.dfg.ca.gov>
Inland Deserts Region (IDR)
407 West Line Street
Bishop, CA 93514
(760) 872-1171
(760) 872-1284 FAX

ARNOLD SCHWARZENEGGER, Governor



January 17, 2008

RRR001078

Dr. Jane Summerson
Mr. Lee Bishop,
EIS Office
Office of Civilian Radioactive Waste Management
U.S. Department of Energy
1551 Hillshire Drive, Las Vegas, NV 89134

Subject: Draft Supplemental Environmental Impact Statement for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada (DOE/EIS-0250F-S1D)

Dear Dr. Summerson and Mr. Bishop,

The Department of Fish and Game (Department) has reviewed the Draft Supplemental Environmental Impact Statement (SEIS) for the above mentioned project. The Department is providing comments as the State agency which has the statutory and common law responsibilities with regard to fish and wildlife resources and habitats. California's fish and wildlife resources, including their habitats, are held in trust for the people of the State by the Department (Fish and Game Code §711.7). The Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitats necessary for biologically sustainable populations of those species (Fish and Game Code §1802). The Department's Fish and wildlife management functions are implemented through its administration and enforcement of Fish and Game Code (Fish and Game Code §702). The Department is a trustee agency for fish and wildlife under the California Environmental Quality Act (CEQA) (see CEQA Guidelines, 14 Cal. Code Regs. §15386(a)). The Department is providing these comments in furtherance of these statutory responsibilities, as well as its common law role as trustee for the public's fish and wildlife.

Under the Proposed Action, DOE would construct, operate, monitor, and eventually close a geologic repository at Yucca Mountain for the disposal of up to 70,000 metric tons of heavy metal (MTHM) of commercial and DOE-owned spent nuclear fuel and high-level radioactive waste. Under the Proposed Action, most spent nuclear fuel and high-level radioactive waste would be shipped from 72 commercial and 4 DOE sites to the repository in NRC-certified transportation casks placed on trains dedicated only to these shipments. Some shipments would arrive at the repository by truck.

The Department offers the following comments and recommendations:

- 1 1. [Although the SEIS does not depict transportation routes other than existing rail lines or interstate highways through the Mojave Desert and Great Basin regions of California, the Department would like to keep informed about any future transportation system improvements necessary to accommodate the project. Specifically, highway improvements or rail line improvements may have the potential to adversely impact sensitive biological resources, including species listed under the California Endangered Species Act (CESA). These species include desert tortoise (*Gopherus agassizii* – listed as threatened) and Mohave ground squirrel (*Spermophilus mohavensis* – listed as threatened). Any plans to provide for improved transportation infrastructure should be coordinated with the Department, and should be the focus of additional NEPA and CEQA review, as appropriate.]
- 2 2. [We are aware of differing viewpoints regarding the potential for spread and release of radionucleotide-contaminated water in California's Amargosa River and Death Valley regions. The Department is concerned with the degradation of these vitally important desert water sources, and urges the Department of Energy to continue development of best management practices designed to reduce or eliminate this threat, in coordination with the County of Inyo and other stakeholders.]

Thank you for the opportunity to comment. Questions regarding this letter and further coordination on these issues should be directed to Mr. Brad Henderson, Environmental Scientist, at (760) 873-4412.

Sincerely,

Denyse Racine
Senior Environmental Scientist

cc. State Clearinghouse

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ARNOLD SCHWARZENEGGER
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



CYNTHIA BRYANT
DIRECTOR

January 24, 2008

EIS Office
U.S. Department of Energy
1551 Hillshire Drive
Las Vegas, NV 89117

Subject: Yucca Mountain Geologic Repository
SCH#: 1999084008

Dear EIS Office:

The enclosed comment (s) on your Draft EIS was (were) received by the State Clearinghouse after the end of the state review period, which closed on December 7, 2007. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document.

The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (1999084008) when contacting this office.

Sincerely,

Terry Roberts
Senior Planner, State Clearinghouse

Enclosures
cc: Resources Agency